

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 4:05CR392 CDP
)
)
MATTHEW BATES and)
ANGELA BATES,)
)
)
Defendants.)

MEMORANDUM AND ORDER

Defendant Matthew Bates has filed a motion to continue the trial setting and a motion to modify the conditions of his bond. I will grant the motion to continue the trial, as to both defendants, but I will deny the motion to modify the bond conditions.

This case alleges, among other things, a conspiracy to structure financial transactions to avoid reporting requirements. Defendant's motion establishes that there is a great deal of discovery still to be reviewed and that counsel is in the process of obtaining an accounting expert to assist him in reviewing the evidence and in preparing the defense. Based on the circumstances of this case, including the issues set out in defendant's motion, I find, pursuant to 18 U.S.C. §3161(h)(8), that the ends of justice served by granting a continuance outweigh the best interest of the

public and the defendants in a speedy trial. Because of the complexity of the case, it would be unreasonable to expect counsel to have adequate time for effective preparation for trial within the time limits imposed by the Speedy Trial Act, even taking into account counsel's exercise of due diligence. I will therefore grant the motion to continue the trial.

Defendant also asks that his bond be modified so that he can go hunting with his sons during deer season. He states that he has purchased a rifle for his eight year old son, and asks to hunt with him. The government opposes this request, as they must. Even aside from the conditions of bond, it is a felony for someone under felony indictment to receive a firearm or ammunition. It is a violation of defendant's bond conditions to possess a firearm, and I will not modify this condition under any circumstances.

I am concerned that defendant may already be in violation of his bond, or may have already committed a new felony separate from the one for which he is currently indicted. Defendant may not possess a firearm. Defendant's wife also is a defendant in this case, and she also is prohibited from possessing a firearm. Defendant lives with his wife and minor children. If there are guns in the family home, defendant and his wife may not avoid the law by claiming that the guns in their home are owned by minor children. Any such guns would, as a matter of law,

be possessed by the defendants, at least jointly with the children. If there are any guns or ammunition present in the home, defendants must immediately dispose of them in some lawful manner, so that defendants will not be in possession of them. If defendants choose to allow their minor children to hunt with some other adult, defendants must take care that neither defendant is anywhere near the hunting or the guns, and that no guns or firearms are present in their home or are transported in their vehicles, or are otherwise in their possession at any time.

Accordingly,

IT IS HEREBY ORDERED that defendant Matthew Bates' motion for continuance [#34] is granted, and the jury trial of this matter, as to both defendants, is continued and reset for **Tuesday, January 3, 2006 at 9:00 a.m. This is a two-week docket.**

IT IS FURTHER ORDERED that defendant Matthew Bates' motion to modify the terms of his bond [#33] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of October, 2005.